

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION (ST) NO. 8749 OF 2019
IN
FIRST APPEAL (ST) NO. 8746 OF 2019**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. D.D. Rananaware for the Applicant.

**CORAM : K. K. TATED, J.
DATE : 05/04/2019**

P.C.:

. Not on board. At the request of the learned Counsel for the Applicant, matter is taken on board for urgent order.

2 Heard learned Counsel for the Applicant.

3 The learned Counsel for the Applicant submits that by this Civil Application, Applicant is seeking stay of the operation and implementation of the Judgment and Award dated 20.07.2018 passed by the MACT, Sangli in MACP No. 2 of 2016. He submits that it is not possible for the Applicant to deposit entire awarded amount on or before 30.04.2019.

4 Considering this fact, there is no question of granting ad-interim relief without hearing other side.

5 Hence, matter to appear on board as per CMIS date.

6 At this stage, the learned Counsel for the appellant submits that Applicant is ready and willing to deposit entire awarded amount on or before 30.04.2019.

7 By the First Appeal the Appellant is challenging the Judgment and Award dated 20.07.2018 passed by the MACT, Sangli in MACP No. 2 of 2016 holding that Appellant is liable to pay sum of Rs.67,04,265/- to the Respondent/ Claimant by way of compensation along with 7% interest from the date of filing of the petition till the realisation of the entire amount.

8 The learned Counsel for the Applicant submits that Respondent/Claimant filed execution application and its next date is 15.04.2019. He submits that if the entire amount is recovered by Respondent Claimant in execution application, then nothing will survive in the present proceeding. Hence, in the interest of justice, this Court may be stayed the order passed by the Tribunal.

9 In the present proceeding, in the accident which occurred on 09.09.2015, Mr. Ganesh Mane sustained injury.

10 Considering this fact, I am of the opinion that Respondent Claimant entitled to get some amount till the pendency of the present First Appeal.

11 Hence, following order:

a) Operation and implementation of impugned judgment and award dated 20.07.2018 passed by the MACT, Sangli in MACP No. 2 of 2016 is stayed during the pendency of the present First Appeal on condition that Applicant to deposit entire awarded amount in Tribunal on/or before 30.04.2019, failing which Civil Application shall stand dismissed without referring back to the court.

b) If amount is deposited within stipulated time as stated hereinabove, the Respondent Claimant is entitled to withdraw 25% of compensation with interest without furnishing any security but subject to the outcome of the First Appeal.

c) The Tribunal is directed to invest the remaining amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

d) Liberty granted to the respondent claimant to take out appropriate application, if he so desire, for withdrawal of the remaining amount and that application will be decided on its own merits.

e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)